Case 11-01809-KCF Doc 11 Filed 06/10/11 Entered 06/10/11 09:33:17 Desc Main

Document Page 1 of 3

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Greenbaum, Rowe, Smith & Davis LLP

Metro Corporate Campus One

P.O. Box 5600

Woodbridge, New Jersey 07095

(732) 549-5600

Attorneys for Jointly Administered Debtors

David L. Bruck, Esq.

In re:

S.A.M. GRAPHICS, INC., et al.1

Debtor.

S.A.M. GRAPHICS, INC. et al.,

Plaintiffs,

VS.

COURIER SYSTEMS, INC.,

Defendant.

Chapter 11 Proceeding

Lead Case No.: 11-17642 (KCF)

6/10/2011 by Clerk U.S. Bankruptcy

Court District of New Jersey

Adversary Pro. No. 11-1809 (KCF)

ORDER TO SHOW CAUSE WHY DEFENDANT COURIER SYSTEMS, INC. SHOULD NOT COMPLY WITH THE COURT'S ORDER AND TURN OVER PROPERTY OF THE ESTATE PURSUANT TO 11 U.S.C §542

The relief sought on the following pages, numbered two (2) through three (3) is

hereby **ORDERED**.

DATED: 6/10/2011

Honorable Michael B. Kaplan United States Bankruptcy Judge

<sup>1</sup> The following debtors filed for Chapter 11 protection, which cases are being jointly administered under Lead Case No. 11-17642-KCF; Fundraising Solutions 2, Inc., Case No. 11-17644-KCF; Fundraising Solutions, Inc., Case No. 11-17647-KCF.

THIS MATTER coming before the Court upon the application of GREENBAUM, ROWE, SMITH & DAVIS LLP, attorneys for plaintiffs, S.A.M. Graphics, Inc. ("S.A.M."), Fundraising Solutions 2, Inc. ("FS2") and Fundraising Solutions, Inc. ("FS") on notice to defendant Courier Systems, Inc. ("Courier"), pursuant to <u>B.R.</u> 7004, and the Court having considered the moving papers and for good cause shown,

## IT IS ORDERED as follows:

- 1. Defendant Courier shall appear before this Court on June 15 , 2011, before the Honorable Michael B. Kaplan in Courtroom #3, Trenton, NJ at 10:00 a.m./p.m. and show cause why (i) an Order should not be entered compelling defendant Courier to immediately turn over the Debtors' inventory and equipment as described in the Verified Complaint and to provide employees and forklifts to facilitate such removal as it would do in the ordinary course; and (ii) Courier should not be ordered to pay sanctions and costs to Plaintiffs in such amount as the Court shall determine for willful violation of the automatic stay and in violation of the Court's Order.
- 2. Pending the final decision of this Court regarding the turn over of the property of the estate, Courier shall be enjoined from selling or otherwise disposing of the equipment and inventory in question, and shall take reasonable steps to protect and preserve the equipment and inventory.
- 3. A copy of this entered Order to Show Cause, together with copies of all other papers submitted in support of the application for the Order to Show Cause, shall be served by upon Defendant Courier by plaintiff's counsel.
- 4. Defendant shall file and serve any answering Affidavits or Briefs at least the hearing. two (2) days prior to the return date of this Order to Show Cause set forth in the first

Case 11-01809-KCF Doc 11 Filed 06/10/11 Entered 06/10/11 09:33:17 Desc Main Document Page 3 of 3

paragraph above, and that the Plaintiffs may file and serve any responding papers at least one (1) day prior to the return date of the Order to Show Cause;

- 5. Defendant shall file an Answer and proof of service thereof in duplicate with this Court in accordance with the Federal Rules of Bankruptcy Procedure; and
- 6. That if the Defendant fails to answer, judgment by default may be rendered against the Defendant for the relief demanded in the Complaint.